

## Message Text

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O R 111902Z JAN 77  
FM AMEMBASSY BERLIN  
TO SECSTATE WASHDC IMMEDIATE 3910  
INFO AMEMBASSY BELGRADE  
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AMEMBASSY BUCHAREST  
AMEMBASSY BUDAPEST  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
AMEMBASSY PRAGUE  
AMEMBASSY SOFIA  
AMEMBASSY WARSAW  
USMISSION USBERLIN UNN  
USMISSION NATO

C O N F I D E N T I A L SECTION 1 OF 2 BERLIN 5070

E O 11652: GDS  
TAGS: PFOR, PINT, GE, GW, US  
SUBJ: NEW GDR MEASURES AGAINST FRG PERMANENT REPRESENTATION

SUMMARY:  
INVOKING A 1963 REGULATION ON CONTACTS WITH FOREIGN  
MISSIONS, GDR POLICE BEGAN JANUARY 11 PROHIBITING ACCESS  
BY GDR CITIZENS TO THE FRG REPRESENTATION IN EAST BERLIN,  
WITHOUT WRITTEN MFA APPROVAL. THE FRG REPRESENTATION HAD  
NO PRIOR INDICATION THAT SUCH A MOVE WAS AFOOT. STATE  
SECRETARY GAUS IS MEETING MFA REPRESENTATIVE SEIDEL  
LATE JANUARY 11 ON THIS NEW DEVELOPMENT AND WILL DEPART  
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FOR BONN ON JANUARY 12 FOR CONSULTATIONS WITH SCHMIDT.  
FRG OFFICIALS IN EAST BERLIN TERM THE GDR MOVE  
"EXTREMELY SERIOUS". FRG OFFICIALS REPORT THAT GAUS  
MAY BE AWAY FROM EAST BERLIN FOR SOME TIME, WE ASSUME  
AS A FORM OF PROTEST. THE GDR APPEARS TO HAVE TAKEN THIS  
ACTION TO COUNTER INCREASING APPLICATIONS BY GDR  
CITIZENS TO LEAVE THE GDR AND AS THE LATEST IN A SERIES

OF STEPS AIMED AT FRG INFLUENCE IN THE GDR. THE GDR HAS INVOKED THE 1963 REGULATION ONLY AGAINST THE FRG REPRESENTATION THUS FAR. NEITHER WE NOR OTHER WESTERN EMBASSIES IN EAST BERLIN REGISTERED NEW GDR CONTROLS ON ACCESS JANUARY 11, END SUMMARY.

1. AS OF MORNING OF JANUARY 11 THE GDR HAS BEGUN PREVENTING ACCESS BY GDR CITIZENS TO THE FRG PERMANENT REPRESENTATION IN EAST BERLIN. GDR CITIZENS ARE BEING STOPPED BY UNIFORMED GDR POLICEMEN AT THE ENTRANCE AND TOLD THAT IF THEY WISH TO VISIT THE REPRESENTATION THEY MUST OBTAIN WRITTEN PERMISSION FROM THE GDR FOREIGN MINISTRY. THEY ARE ALSO BEING REFERRED TO THE GDR REGULATION OF MAY 2, 1963 REGULATING CONTACTS WITH DIPLOMATIC MISSIONS IN THE GDR. EMBASSY OFFICER VISITING REPRESENTATION ON AFTERNOON OF JANUARY 11 OBSERVED A TOTAL OF SIX UNIFORMED GDR POLICEMEN OUTSIDE THE REPRESENTATION BUILDING, 3 OF THEM DIRECTLY IN FRONT OF THE MAIN ENTRANCE AND ANOTHER 2 POLICEMEN IN A POLICE CAR PARKED ACROSS THE STREET.

2. RICHTHOFEN OF THE FRG REPRESENTATION HAS PROVIDED THE FOLLOWING DETAILS ON THE NEW GDR CONTROL MEASURES. HE SAYS THE FRG WAS GIVEN ABSOLUTELY NO INDICATION THAT THESE NEW MEASURES WOULD BE INTRODUCED. THE GDR MINISTRY OF FOREIGN AFFAIRS HAD AT NO TIME OFFICIALLY COMPLAINED ABOUT THE ACTIVITIES OF THE REPRESENTATION. AS OF THE AFTERNOON OF JANUARY 11 THE REPRESENTATION STILL HAD NOT RECEIVED AN EXPLANATION FROM GDR AUTHORITIES. AFTER  
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CONSULTING WITH SCHMIDT BY PHONE, GAUS HAD ASKED FOR AN APPOINTMENT WITH DEPUTY FOREIGN MINISTER NIER BUT RECEIVED INSTEAD AN APPOINTMENT WITH SEIDEL FOR THE EVENING OF JANUARY 11. RICHTHOFEN SAID THAT GAUS WOULD FLY TO BONN ON JANUARY 12 TO CONSULT WITH SCHMIDT "FOR SOME TIME". RICHTHOFEN SAID THAT THE FRG CONSIDERED THIS LATEST GDR STEP "VERY SERIOUS."

3. RICHTHOFEN NOTED THAT THE GDR HAD INSTITUTED NEW CONTROL MEASURES IN MID-DECEMBER BY STATIONING PLAIN CLOTHED STATE SECURITY MEN ALONG FRIEDRICHSTRASSE BEHIND THE REPRESENTATION BUILDING AS WELL AS ACROSS THE STREET IN FRONT OF BIERMANN'S FORMER APARTMENT BUILDING. THESE SECURITY OFFICIALS HAD APPROACHED GDR CITIZENS LEAVING THE REPRESENTATION BUILDING ASKING TO SEE THEIR ID CARDS. NEITHER THESE SECURITY OFFICIALS NOR THE TWO UNIFORMED POLICEMEN MANNING GUARD POSTS IN EXISTENCE SINCE THE REPRESENTATION WAS OPENED ATTEMPTED TO PREVENT ACCESS TO THE BUILDING, HOWEVER. RICHTHOFEN SAID THAT IN PROTESTING THESE MID-DECEMBER

CONTROLS TO SEIDEL OF THE FRG SECTION IN THE GDR MINISTRY OF FOREIGN AFFAIRS, GUAS HAD RECEIVED THE IMPRESSION THAT THE MFA HAD BEEN CAUGHT UNAWARES BY THE NEW CONTROL MEASURES AND WAS NOT FULLY INFORMED. THE DECISION HAD OBVIOUSLY BEEN TAKEN ELSEWHERE. DURING THIS MEETING SEIDEL HAD SAID THAT THE NEW SECURITY FORCES OUTSIDE THE REPRESENTATION WERE THERE TO PERFORM "A SEARCH".

4. RICHTHOFEN REPORTED THAT THE NUMBER OF GDR CITIZENS VISITING THE REPRESENTATION TO INQUIRE ABOUT EMMIGRATING TO THE FRG HAD NOT DIMINISHED SINCE THE MID-DECEMBER CONTROLS WERE INSTIGATED. WHILE THE HIGH POINT OF DAILY VISITS REGISTERED IN AUGUST 1976 (UP TO 90 PER DAY) HAD NOT BEEN REACHED AGAIN, THE REPRESENTATION'S LEGAL DEPT WAS CONSTANTLY FULL AND OVERWORKED.

5. RICHTHOFEN SAID THAT SEVERAL OFFICIALS FROM THE  
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FRG REPRESENTATION HAD APPROACHED THE NEWLY STATIONED POLICE GUARDS ON EH MORNING OF JANUARY 11 TO ASK THEM WHY THEY WERE THERE. THEY RESPONDED THAT THEY WERE THERE "ON ORDERS" AND THAT ANY FURTHER INFORMATION WOULD HAVE TO BE OBTAINED FROM THE MFA. THROUGHOUT THE MORNING NUMEROUS GDR CITIZENS WERE TURNED BACK POLITELY BUT FIRMLY, AS RICHTHOFEN DESCRIBED IT. ONLY ONE GDR CITIZEN HAD BEEN ALLOWED TO ENTER THE REPRESENTATION. HE TOLD REPRESENTATION OFFICIALS THAT THE GUARDS INITIALLY REFERRED HIM TO THE MFA FOR PERMISSION BUT HAD ALLOWED HIM IN WHEN HE TOLD THEM HE WAS A COURIER DELIVERING A LETTER TO GAUS.

6. THE REGULATION BEING INVOKED BY THE GDR WAS PASSED ON MAY 2, 1963 AND APPEARED IN THE GDR GESETZBLATT ON MAY 18, 1963. TITLED "REGULATIONS ON CONTACTS WITH DIPLOMATIC MISSIONS AND OTHER REPRESENTATIONS OF FOREIGN STATES IN THE GDR". THE REGULATION SPECIFIED:  
A) PARAGRAPH 5 "CONTACT BY CITIZENS OF THE GDR WITH FOREIGN MISSIONS AND REPRESENTATIONS TAKE PLACE ONLY THROUGH THE MINISTRY OF FOREIGN AFFAIRS, (B)

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AMEMBASSY SOFIA  
AMEMBASSY WARSAW  
USMISSION USBERLIN  
USMISSION USNATO

C O N F I D E N T I A L SECTION 2 OF 2 BERLIN 5070

PARAGRAPH 6 SECTION 2 "CITIZENS OF THE GDR MAY APPROACH  
MISSIONS AND REPRESENTATIONS OF OTHER STATES IN THE  
GDR ON CONSULAR MATTERS INsofar AS THEY HAVE RECEIVED  
THE PERMISSION OF THE RESPONSIBLE STATE ORGANS OF THE  
GDR FOR THIS PURPOSE."

7. RICHTHOFEN SAID THAT WHILE THIS REGULATION HAS BEEN  
ON THE BOOKS SINCE 1963 IT HAD NEVER BEEN INVOKED  
AGAINST THE FOREIGN REPRESENTATIONS, WITH THE EXCEPTION  
OF THE CHINESE.

8. RICHTHOFEN SAID THAT THE FRG'S EVENTUAL REACTION TO  
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THESE STEPS WOULD MOST LIKELY TREAT THEM AS A COUNTER-  
VENTION OF THE FRG/GDR PROTOCOL ON THE ESTABLISHMENT  
OF REPRESENTATIONS OF MARCH 14, 1974 AND AS  
AGAINST THE SPIRIT OF HELSINKI. HE NOTED THAT AN  
INITIAL SPD REACTION, NOT CLEARED WITH SCHMIDT,  
HAD ALREADY COME FROM SCHMIDT-VOCKENHAUSEN OF THE  
BUNDESTAG PRESIDIUUM WHO HAD HAPPENED TO PAY A LONG-  
PLANNED VISIT TO THE REPRESENTATION ON THE MORNING  
OF JANUARY 11. VOCKENHAUSEN HAD STATED TO

THE WESTERN PRESS THAT HE LAMENTED THE SHARPENED CONTROL MEASURES INSTIGATED BY THE GDR TO HINDER GDR VISITORS TO THE PERMANENT REPRESENTATION AND CONSIDERED THEM AGAINST THE SPIRIT OF HELSINKI FINAL ACT. HE TOLD THE PRESS THAT THE REPRESENTATION'S ACTIVITY HAD GIVEN THE "GDR NO PRETEXT FOR TAKING SUCH MEASURES. HE THEN NOTED THAT HELSINKI APPEARED TO HAVE SET EVENTS IN MOTION IN THE SOVIET BLOC, INCLUDING IN THE GDR, WHICH THESE COUNTRIES WERE NOW ATTEMPTING TO CONTROL THROUGH ADMINISTRATIVE MEASURES. HE THEN STATED "THROUGH SUCH MEASURES THE GDR WILL MAKE EVEN MORE DIFFICULT ITS POSITION IN BELGRADE."

9. RICHTHOFEN PREDICTED THAT THE FRG WOULD STRESS HELSINKI IN PROTESTING THE GDR'S LATEST STEP. HE SAID EVEN THOUGH THE REGULATION IN QUESTION HAD BEEN ON THE BOOKS SINCE 1963 IT HAD NOT BEEN ENFORCED SINCE THE FRG REPRESENTATION OPENED IN 1974. THE GDR DECISION TO APPLY THE LAW NOW THUS CHANGED THE PRACTICE OF FRG/GDR RELATIONS AND CONTRADICTED THE SPIRIT OF HELSINKI, INCLUDING SECTIONS OF THE PREAMBLE OF HUMAN CONTACTS. HE SAID THAT IN COUNTERING THE FRG ARGUMENTATION THE GDR UNDOUBTEDLY WOULD STRESS PRINCIPLE TEN OF THE INTRODUCTORY CODEX WHICH HOLDS THAT EACH STATE HAS THE RIGHT TO DETERMINE ITS OWN LAWS AND REGULATIONS.

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10. RICHTHOFEN PREDICTED THAT THE FRG WOULD ALSO ARGUE ON THE BASIS OF THE MARCH 14, 1974 PROTOCOL ESTABLISHING RELATIONS WITH THE GDR. THE PREAMBLE TO THIS DOCUMENT STATED THAT THE PRINCIPLES OF THE VIENNA CONVENTION WOULD BE APPLIED IN DIPLOMATIC RELATIONS BY THE FRG AND GDR. WHILE THIS PROTOCOL HAD NOT SPECIFICALLY ASSURED FREE ACCESS, IT HAD DE FACTO INCLUDED PROVISIONS IN THE VIENNA CONVENTION ASSURING THE RIGHT OF DIPLOMATIC MISSIONS TO REPRESENT THE INTERESTS OF THE SIGNING STATES, INCLUDING "ASSISTANCE AND HELP FOR PERSONS." HE ALSO CITED THE NON-DISCRIMINATION CLAUSE IN THE VIENNA CONVENTION IN THIS REGARD.

11. RICHTHOFEN ENDED HIS REMARKS BY REPEATING THAT THE FRG CONSIDERED THIS MOST RECENT DEVELOPMENT "EXTREMELY SERIOUS" AND OBSERVED THAT A "GENERAL COLD FRONT WAS MOVING IN ON FRG/GDR RELATIONS."

12. COMMENT: THE GDR'S DRASTIC AND UNANNOUNCED STEP TO PROHIBIT ACCESS BY GDR CITIZENS TO THE FRG

REPRESENTATION IS THE LATEST IN A SERIES OF STEPS BY THE GDR AGAINST THE FRG, SEEKING TO STEM ITS INFLUENCE IN THE GDR, THAT HAVE INCLUDED: (A) A SHARP WARNING TO GDR INTELLECTUALS BY WAY OF THE BIERMANN OUSTER NOT TO MAKE USE OF FRG MEDIA IN CRITICIZING THE GDR; (B) THE OUSTER OF FRG TELEVISION CORRESPONDENT LOTHAR LOEWE, THE MOST ACTIVE AND CRITICAL FRG JOURNALIST, LONG A THORN IN THE SED SIDE; AND (C) A STEPPED-UP PRESS CAMPAIGN AGAINST THE FRG, FOCUSING ON THE ACQUITTAL OF WEINER WEINHOLD.

13. THIS LATEST STEP, HOWEVER, TOUCHES IMMEDIATELY AND DIRECTLY THOSE CITIZENS WHO ARE SEEKING TO LEAVE THE GDR. BY THIS STEP THE REGIME APPARENTLY HOPES TO INSTILL ENOUGH CAUTION AND FEAR TO KEEP INTERESTED CONFIDENTIAL

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GDR CITIZENS FROM INQUIRING ABOUT PROCEDURES TO EMMIGRATE TO THE FRG. IT UNDOUBTEDLY HOPES THE WORD WILL SPREAD, AND THAT THE RESULT WILL BE A DIMINUTION FOR PRESSURE TO LEAVE. WHAT IS NOT CLEAR AT THIS STAGE IS WHY THE REGIME DECIDED TO ACT NOW.

14. GDR CONTACTS HAVE TOLD US IN RECENT WEEKS THAT THE PREVIOUS GDR MEASURES SHOULD BE SEEN AS A DEFENSIVE REACTION AGAINST " AN INCREASINGLY CONSERVATIVE AND NATIONALISTIC" FRG. MOST RECENTLY TWO SEPARATE CONTACTS HAVE INTIMATED THAT THE GDR IS CONSIDERING FURTHER DISTANCING ITSELF FROM THE FRG, EVEN IN THE ECONOMIC SPHERE, SO AS TO LESSEN FRG LEVERAGE ON THE GDR. IT HAS LONG BEEN TAKEN AS A GIVEN BY WESTERN OBSERVERS HERE THAT THE SED CONSIDERS FRG INFLUENCE A MAJOR FACTOR IN EXACERBATING GDR DOMESTIC PROBLEMS. ITS MOST RECENT ACTIONS ARE INTENDED TO PORTRAY THE FRG IN AN INCREASINGLY NEGATIVE LIGHT TO THE GDR POPULATION AND THEREBY SIGNAL THAT INCREASED FRG INFLUENCE AND INCREASED EMMIGRATION TO THE FRG WILL NOT BE ALLOWED. THE SED DECISION TO LIMIT ACCESS TO THE FRG REPRESENTATION IN EAST BERLIN IS MERELY THE LATEST STEP IN THIS OVERALL POLICY WHICH HAS BEEN BUILDING SINCE THE VOLKSKAMMER ELECTIONS IN OCTOBER.

15. ALTHOUGH THIS EAST GERMAN REGULATION IS SUPPOSEDLY MEANT TO APPLY TO ALL DIPLOMATIC MISSIONS, WE HAVE NOTICED NO EXTRA CONTROLS OUTSIDE OF THE BUILDING IN WHICH OUR CHANCERY IS LOCATED. PERSONS ENTERING AND LEAVING THE BUILDING HAVE NOT BEEN, AND WERE NOT TODAY, TO OUR KNOWLEDGE, SUBJECTED TO ID CHECKS OR PREVENTED FROM ENTERING. WE

NOTE, HOWEVER, THAT THE TEMPORARY CHANCERY IS LOCATED  
IN A BUILDING WITH SEVERAL OTHER EMBASSIES, NEWS  
SERVICES AND TRADE REPRESENTATIVES WHICH MAKES ACCESS  
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CONTROL TO OUR CHANCERY SOMEWHAT MORE COMPLICATED.  
A QUICK CHECK OF THE UK, ITALIAN AND FRENCH  
EMBASSIES, WHICH ARE IN SIMILAR SITUATIONS,  
REVEALS NO INCREASED CONTROLS FOR VISITORS. WHETHER  
WE WILL HAVE PROBLEMS SIMILAR TO THE WEST GERMANS  
WHEN WE MOVE TO THE NEW CHANCERY NEXT MONTH REMAINS  
TO BE SEEN, PARTICULARLY AS WORD OF THIS NEW MEASURE  
SPREADS HERE.

16. PENDING OFFICIAL GDR COMMENT ON ACCESS TO THE  
FRG REPRESENTATION, GAUS'S MEETING WITH SEIDEL AND  
HIS DISCUSSIONS ON JANUARY 12 WITH SCHMIDT, THE EFFECT  
OF THIS LAST DEVELOPMENT ON FRG/GDR RELATIONS REMAINS  
UNCLEAR. THE FRG AND GDR ARE SCHEDULED TO SERVE AS  
JOINT HOSTS TO THE FIRST FRG PHOTOGRAPHIC EXHIBIT IN  
EAST BERLIN NEXT WEEK, OPENING JANUARY 17. HOW THIS  
EVENT IS HANDLED MAY PROVIDE AN INDICATION OF  
IMMEDIATE EFFECTS ON FRG/GDR RELATIONS. POLANSKY

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## Message Attributes

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